

REMARKS

Independent claims 1, 6, 8, and 15 have been amended to more clearly recite the invention. Support for these amendments is found throughout the written disclosure, as well as in the drawings. No new matter has been added. Claim 16 has been cancelled. Claims 1-15 and 17 are respectfully submitted for reconsideration. Applicants confirm the election of these claims and reserve the right to file a divisional application on the non-elected subject matter.

Claims 1-3, 7-9, 11 and 13-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Campos U.S. 2,116,300.

Claims 1-3, 6-9, 11, 14, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Moe U.S. 2,059,135.

Claims 1-3, 8-10, 13, 15, and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Austin U.S. 540,345.

Claims 1-3, 6-10, and 13-17 were rejected under 35 U.S.C. 102(b) as being anticipated by Kubo U.S. 2,050,756.

Claims 1-3, 6, 8-10, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Jopling U.S. 934,192.

Claims 8 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Gray U.S. 2,523,426.

Claims 8 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Spilo U.S. 2,318,812.

Claims 1-10, 13, and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Wiltse U.S. 415,010.

Claims 4 and 5 were rejected under 35 U.S.C. 103 as being unpatentable over Austin.

Claims 4 and 5 were rejected under 35 U.S.C. 103 as being unpatentable over Kubo.

Independent claim 1, upon which claims 2-7 depend, recites a handheld powder dispenser comprising a powder reservoir for accepting and storing powder and having at least one open end. The powder reservoir comprises a pair of wall extensions formed at an end of the powder reservoir opposite the at least one open end. Each wall extension includes a circular hole. The powder reservoir further includes a lip arranged between the pair of wall extensions. An end cap seals the one open end of said powder reservoir. A rotatable powder measure includes a recess for accepting powder from the powder reservoir and affixes at an end of the powder reservoir opposite the removable end cap between the pair of extensions. The rotatable powder measure comprises circular extensions that mate with the circular holes formed in the wall extensions.

Independent claim 8, upon which claims 9 through 14 depend, recites a handheld powder dispenser for dispensing a measured amount of powder for treatment of an animal. The powder dispenser comprises a powder reservoir having at least one open end for receiving and dispensing powder therethrough. A removable, rotatable powder measure has a recess for accepting powder from the powder reservoir and affixes at the open end for dispensing a measured amount of powder from the powder reservoir. The rotatable powder measure

has two ends and comprises a pair of wall extensions formed at one of the two ends. Each wall extension includes a circular hole. The powder reservoir further includes a lip being arranged between the pair of wall extensions. A reservoir extension included at the end opposite the pair of wall extensions is inserted into the open end of the reservoir.

Independent claim 15, upon which claims 16 and 17 depend, recites a handheld powder dispenser for dispensing a measured dosage of powder. The powder dispenser comprises a powder reservoir defined by walls and having at least one open end for receiving and dispensing powder therethrough. The powder reservoir comprises a pair of wall extensions formed at an end of the powder reservoir opposite the at least one open end. Each wall extension includes a circular hole. A powder measure affixes at the at least one open end of the powder reservoir. The powder measure comprises a recess having a volume for receiving a measured amount of powder from the powder reservoir. The powder measure is arranged between the pair of wall extensions and comprises circular extensions that mate with the circular holes formed in the wall extensions.

The present invention is a handheld powder dispenser for dispensing a measured amount of powder, preferably for treating a dog's toenail. The dispenser may be provided in a size that fits in a pocket of a user. In use, the dispenser is arranged such that the powder measure is at an elevation lower than the powder reservoir to cause powder to migrate from the reservoir to the

measure. The measure includes a stop which prevents the measure from being over rotated.

It is respectfully submitted that none of the cited references include all of the claimed elements of independent claims 1, 8 and 15. Namely none of the references are handheld powder dispensers having a powder measure with circular extensions and arranged between wall extensions that comprise circular holes formed therein for receiving the circular extensions.

Campos, U.S. Patent Serial No. 2,116,300, discloses an airtight coffee container. The container includes an apertured extension 2 for hanging the container from a wall. It is clear that Campos is neither handheld nor does he include any extensions or powder measure as claimed above. As such, the parts of Campos are not the analogous to the claimed parts of the instant invention.

Moe, U.S. Patent Serial No. 2,059,135, discloses a dispensing device for dispensing bulk goods. The device includes a dispensing unit 31. From the drawings it is clear that Moe is neither handheld nor does he include the claimed extensions or powder measure as claimed in the instant invention. As such, the dispensing unit of Moe is not analogous to the present invention and cannot be properly used to reject the instant invention under 35 U.S.C. §102.

Austin, U.S. Patent Serial No. 540,345, discloses a powder box and measuring attachment. The measuring attachment includes a crank handle G or a handle P, depending on the two different embodiments. The measure is cylindrical and includes an opening in one side to discharge powder. The crank

handle G is used to revolve the measure. A curved guard plate H, is attached to the bottom of the box and extends about halfway around the rotary measure so that no powder will be wasted. The Austin device is used for storing various baking powders. Lugs d shown in Figure 3 are not extensions of either the box or measuring attachment, as such, they are not analogous to the extensions of the present invention. Moreover, it is clear that Austin is not a handheld dispenser, as recited in the claims of the present invention.

Kubo, U.S. Patent Serial No. 2,050,756, discloses a dispenser for granular material such as sugar. The container is provided with a false bottom 2 which has a downward slope toward the front and terminates in an outlet 3. A removable lid 6 is provided for enabling a user to replenish the supply of the sugar, as necessary. A hinge is provided for allowing a spout to pivot. It is clear that Kubo neither includes any extensions, nor a powder measure, as claimed in the present invention. Moreover, Kubo does not include an open end for both receiving and dispensing powder, as recited in independent claims 8 and 15.

Jopling, U.S. Patent Serial No. 934,182, discloses a dispensing receptacle for tooth powder. The receptacle includes an outer casing including an opening in a sidewall that opens into a separate chamber to permit a tooth brush to be inserted therein. An opening is provided at the top for accepting powder. Jopling does not include any extensions, nor a powder measure, arranged and claimed as in the present invention. Moreover, Jopling does not include an open end for both receiving and dispensing powder.

Gray, U.S. Patent Serial No. 2,523,426, discloses a measuring and dispensing device that includes a wall and a discharge aperture. Gray neither teaches nor suggests all of the claimed elements of the present invention. Gray fails to any extensions, or a powder measure, arranged and claimed as in the present invention. Moreover, Gray does not include an open end for both receiving and dispensing powder, as claimed in independent claims 8 and 15 of the present invention.

Spilo, U.S. Patent Serial No. 2,318,812, discloses a measuring and dispensing device for packaged material. The device includes a storage area and a separate compartment that includes a reservoir formed between an inclined wall and top of the compartment. The arrangement of parts in Spilo indicates that his device does not operate in the same manner as the presently claimed invention. Spilo fails to teach any extensions, or a powder measure as claimed in the present invention. Moreover, Spilo does not include an open end for both receiving and dispensing powder, as claimed in independent claims 8 and 15 of the present invention.

Wiltse, U.S. Patent Serial No. 415,010, discloses a box for retailers' use. The box is placed on an edge of a counter for the free play of the connecting rod L through the bottom of the box. A foot lever operates the box to allow removal of the crackers, rice or other merchandise stored therein. It is clear that Wiltse is not a handheld device. Moreover, the device does not operate in the same manner as the presently claimed invention. Wiltse fails to teach any extensions, or a powder measure as claimed in the present invention. Moreover, Wiltse

does not include an open end for both receiving and dispensing powder, as claimed in independent claims 8 and 15 of the present invention.

The applicants respectfully submit that there is neither a suggestion nor any motivation for modifying either Austin or Kubo to teach all of the claimed elements of the present invention.

It is respectfully submitted that since none of the cited references teach all of the claimed elements of the present invention, a 35 U.S.C. §102 rejection is improper. Reconsideration and withdrawal of these rejections are respectfully requested.

Regarding the 35 U.S.C. §103 rejections, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure.

It is clear for at least the above reasons that the combined cited references neither teach nor suggest all of the claimed elements of independent claims 1, 8 and 15 of the instant application. Thus, any resultant combination of the cited references fails to teach or suggest all the claim limitations. As such none of the cited references may be relied upon to properly rejected the instant

invention under 35 U.S.C. §103. Further, the applicants strongly submit that the subject matter which distinguishes the present invention from the cited prior art is more than sufficient to render the claimed invention unobvious to a person of ordinary skill in the art. The applicants therefore respectfully request that all of the pending claims be found allowable, and this application be passed to issue.

If for any reason the Examiner determines that the application is not currently in condition for allowance, it is respectfully requested that the Examiner contact by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Goldizen', with a stylized flourish at the end.

Bradley D. Goldizen
Attorney for Applicant
Reg. No. 43,637

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Brad Goldizen, P.C.
505 S. Independence Blvd.
Suite 102
Virginia Beach, VA 23452
Tel (757) 490-1151
Fax (757) 497-5560